

Salisbury, North Carolina  
May 7, 2019

## **REGULAR MEETING**

**PRESENT:** Mayor Al Heggins Presiding; Mayor Pro Tem David Post; Council Members Karen Alexander, William Brian Miller, and Tamara Sheffield; City Manager W. Lane Bailey; City Clerk Diane Gilmore, and City Attorney J. Graham Corriher.

**ABSENT:** None.

Salisbury City Council met in Council Chambers in City Hall located at 217 South Main Street. The meeting was called to order by Mayor Heggins at 6:01 p.m.

## **PLEDGE OF ALLEGIANCE**

Mayor Heggins led those present in the Pledge of Allegiance to the United States flag.

## **ALTERATIONS TO THE AGENDA**

Mayor Heggins noted the following changes to the Agenda:

Remove – Item 7a Regular minutes of Council’s April 16, 2019 meeting.

Move – Item 7d from the Consent Agenda to the regular Agenda item 9a.

## **ADOPTION OF THE AGENDA**

Thereupon, Mayor Pro Tem Post made a **motion** to adopt the Agenda with the presented revisions. Mayor Heggins, Mayor Pro Tem Post and Councilmembers Alexander, Miller and Sheffield voted AYE. (5-0)

## **PROCLAMATIONS**

Mayor to proclaim the following observances:

NATIONAL SMALL BUSINESS WEEK  
PEACE OFFICER'S MEMORIAL DAY  
NATIONAL POLICE WEEK

MAY 5-11, 2019  
MAY 15, 2019  
MAY 12-18, 2019

Mayor Heggins read and presented the National Small Business Week Proclamation to Small Business owners of Salisbury.

Mayor Heggins read and presented the Peace Officer's Memorial Day and National Police Week Proclamation to Police Chief Jerry Stokes and members of the Police Department.

Chief Stokes commented the loss of Mooresville Police Officer Jordan Sheldon the past weekend points out the sacrifices that officers make to protect the communities they serve. He noted the Proclamation is a great way to honor Officer Sheldon.

## **CONSENT AGENDA**

(a) Minutes

Adopt Minutes of the Regular Meetings of April 16, 2019. This item was removed from the Agenda.

(b) Right-of-Way Encroachment

Approve right-of-way encroachment by Spectrum per Section 11-24 (27) of the City Code for the installment of fractional bored duct within the City right-of-way near 1915 South Main Street, along the 100 block of South Church Street and the 100 block of West Fisher Street.

(c) Supplement Agreement and Budget Ordinance – Greenway Construction of Low Water Bridge

Authorize the City Manager to execute an agreement with LaBella Associates in the amount of \$690,000 for design services associated with the Water Treatment Plant Capital Improvement Plan (CIP) Projects and adopt a Budget Ordinance amending the FY2018-2019 Budget Ordinance to appropriate Water Sewer Fund Balance funds.

ORDINANCE AMENDING THE 2018-2019 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE WATER SEWER FUND BALANCE FUNDS.

(The above Ordinance is recorded in full in Ordinance Book No. 28 at Page No. 147, and is known as Ordinance 2019-23.)

(d) Contract Agreement and Budget Ordinance – Crane Creek Lift Station

Authorize the City Manager to execute a contract with Buckeye Bridge, LLC in the amount of \$1,932,248 for construction of the Crank Creek Lift Station and Force Main Upgrades Project, and adopt a Budget Ordinance amending the FY2018-2019 Budget Ordinance to appropriate Water Sewer Fund Balance funds. This item was moved to 9a.

ORDINANCE AMENDING THE 2018-2019 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRAITE WATER SEWER FUND BALANCE FUNDS.

(The above Ordinance is recorded in full in Ordinance Book No. 28 at Page No. 151, and is known as Ordinance 2019-26.)

(e) Budget Ordinance – Cheerwine Festival

Adopt a Budget Ordinance amendment to the FY2018-2019 budget in the amount of \$63,650 to appropriate revenue for the Cheerwine Festival.

ORDINANCE AMENDING THE 2018-2019 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE REVENUES FOR THE CHEERWINE FESTIVAL.

(The above Ordinance is recorded in full in Ordinance Book No. 28 at Page No. 148, and is known as Ordinance 2019-24.)

(f) Contract Award – Elliott Davis, PLLC

Award a contract to Elliott Davis, PLLC for auditing services for the fiscal year ending June 30, 2019.

(g) Waiver of Objection

Authorize the City Attorney to file a standing Waiver of Objection for the remission of court costs and fines, for which the City defers to the court's discretion, and to discontinue receiving notices.

(h) Stormwater Grant – Salisbury Academy

Authorize a Stormwater Grant in the amount of \$9,997.57 for improvements to Salisbury Academy.

Thereupon, Councilmember Alexander made a **motion** to adopt the Consent Agenda with provisions as presented. Mayor Heggins, Mayor Pro Tem Post and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

## **PUBLIC COMMENT**

Mayor Heggins opened the floor to receive public comments.

Mr. Michael Kirksey stated he is concerned about traffic congestion due to construction in the West End community and commercialization in the West End community. He noted noise disturbances occur throughout the night and early morning, and he asked about the noise ordinance in his neighborhood.

Mayor Heggins asked who Mr. Kirksey should speak to regarding his concerns. City Manager Lane Bailey noted it is a Code Enforcement issue, and he will follow up with Mr. Kirksey.

Ms. Carol Pomeroy provided a response to Ms. Elaine Hewitt's letter regarding the Statue, "Fame" read at the April 16, 2019 City Council meeting. She presented histories of both the men and women of the confederacy and African America slaves. She commented slavery has ended but racial discrimination still exists. She indicated moving Fame would not destroy or erase its history, but would eliminate it having to be seen by those who would choose not to see it.

Ms. Liz Tennent pointed out her concerns regarding two tennis courts being converted into pickle ball courts at City Park. She indicated she was unaware of any conversation that may have taken place, and she asked why a more open and transparent process is not being followed. She noted she has several questions and further discussion is needed.

Ms. Melissa Utley noted her concerns regarding two tennis courts being converted into pickle ball courts at City Park, and she pointed out further discussion is needed. She stated she is not against pickle ball but does not want to see tennis courts eliminated at City Park.

Reverend Carol Hallman expressed her concerns regarding the tennis courts at City Park. She commented she read in the newspaper the tennis courts are not used, and she pointed out there are cracks, overgrown grass, and water damage on the courts.

Ms. Luann Nordine commented pickle ball may be a growing sport, but tennis is not a dying sport. She pointed out large cracks and weeds are growing in the tennis courts at City Park, and she added pickle ball lines are painted on two of the tennis courts which makes it unplayable to tennis players.

Mr. George Benson thanked Council and staff for their service to the City. He noted the passing of a Mooresville Police Officer the past weekend, and he thanked the City and County's first responders for keeping the City safe. He asked about a noise ordinance concerning commercial garbage services taking place in the City between 4:00 a.m. and 7:00 a.m. He urged

citizens to support little league baseball in Salisbury, and he encouraged the public to sign up for Citizen's Academy to learn how City government operates.

Mr. Charles Doxey indicated the house he rents is going to collapse, and he presented pictures of the dwelling to Council. He noted he has court tomorrow for the eviction his landlord filed without a proper 10-day notice, and he explained he does not owe his landlord money. He pointed out the City is unable to inspect his dwelling due to the eviction notice. He asked Council for guidance.

Mayor Heggins asked Mr. Doxey if he had spoken with Code Enforcement. Mr. Doxey commented he spoke with Code Enforcement and was advised the City is not responsible for investigating the home due to the eviction in process.

Mayor Heggins explained Council is unable to provide legal advice, and she noted Code Enforcement officials provide home inspections. Mr. Doxey stated he spoke with Code Enforcement Officer Michael Cotilla. City Manager Lane Bailey suggested Mr. Doxey speak with Planning Director Hannah Jacobson and Officer Cotilla regarding his concern.

Mr. Deke Abbott noted he is the chairman of the Economic and Development Committee in Troy, North Carolina. He pointed out surveys and interviews were conducted on how to attract businesses and people into the town. He indicated survey results found that pickle ball was ranked higher than golf and tennis for recreation.

Ms. Mary James noted her concerns regarding the conversion of two tennis courts into pickle ball courts at City Park. She added she does not oppose pickle ball but there needs to be an honest discussion and exploration of options. She suggested a private public partnership could be an option to build an independent facility for pickle ball.

Mr. Sam Lebowitz stated he is concerned about the conversion of two tennis courts into pickle ball courts. He asked Council to provide fair and transparent dialogue regarding the proposed repurposing of the two City Park tennis courts.

Mr. Jeff Saleeby pointed out tennis is not a dying sport and adding pickle ball courts at City Park would decrease the number of courts for tennis players. He added pickle ball is a growing sport and deserves its own courts.

Mr. Hans Roemer noted his concerns regarding the conversion of two tennis courts into pickle ball courts with little community input. He stated Mr. Reid Leonard hosts Rotary Tennis Tournaments and could not have it this year due to the tennis courts having pickle ball lines. He indicated there is a lack of attention for tennis and pickle ball and one sport should not dominate the other.

Mr. Jon Post asked Council to take the project on merit and not on the number of the people in attendance or a petition. He pointed out Healthy Rowan identified substance abuse, mental health and healthy lifestyle as priorities during the 2018 United Way Needs Assessment. He noted healthy lifestyle suggestions include better utilization of local parks and activities.

Mr. Michael Brooks noted he does not feel there is competition between tennis and pickle ball. He pointed out tennis is a growing sport. He added North Rowan High School uses City Park tennis courts for home matches and if two courts are taken away, it gives a disadvantage to students who play on those courts.

Ms. Linn Waggoner indicated she was disappointed the Rotary Tennis Tournament was not taking place this year. She added there is no competition between pickle ball and tennis, but the sports cannot be played at the same time due to the distraction to each sport.

There being no one else to address Council, Mayor Heggins closed the public comment session.

Mayor Heggins commented the dialogue regarding pickle ball and the tennis courts are about transparency and a full discussion regarding the use of the six tennis courts at City Park not taking place. She asked Council to explore this issue at its next meeting.

Councilmember Miller asked if the changes have been made at the tennis courts. Mr. Bailey indicated they have not. Mayor Heggins suggested the discussion be added to the Agenda since changes have not been made to the tennis courts. Councilmember Miller noted it could be an item on the Agenda, and he asked if it would be a report from staff and not a public hearing. Mr. Bailey agreed. Mayor Heggins indicated there should be an opportunity to discuss the issue. Councilmember Miller pointed out if Council decides to include a full public process it should happen at a Parks and Recreation Board meeting and not at a Council meeting.

Mayor Heggins asked if public comment was allowed during the Parks and Recreation Advisory Board Meeting when this issue was discussed. Parks and Recreation Coordinator Sam Wilborn indicated it was discussed. Mayor Heggins noted several people in the audience disagreed.

Councilmember Sheffield pointed out an official request was made for this item to become a conversation but was denied placement on the Agenda. She commented the item needs to be placed on the Agenda for the next Council meeting. She added from what is presented at the next meeting, Council can determine if the Parks and Recreation Advisory Board will need to form a committee. She commented citizen input is needed, and she indicated this is the right process so transparency is included and to ensure Council is doing the right thing for both sports.

Mayor Heggins noted she does not disagree, but wanted to clarify there will be discussion and not just a presentation from staff. She pointed out Council needs to be made aware of any concerns regarding items on the Consent Agenda so a discussion can take place.

Mayor Heggins asked if Council agreed to have a discussion regarding the conversion of the tennis ball courts into pickle ball courts added to the Agenda for its next meeting. Mr. Bailey indicated the discussion had gone through a process with the Parks and Recreation Advisory Board and can be explained now or at the next Council meeting.

Councilmember Miller pointed out any work planned should be put on hold until the issue is resolved. Mr. Bailey noted from his understanding the conversion had not yet taken place. Councilmember Alexander commented the conversion process needs to be stopped until Council has received an explanation of the process.

Mayor Heggins clarified at its next meeting, Council will be advised of the process regarding the discussion of the conversion of two tennis courts into pickle ball courts. She questioned if the courts could be shared by both sports.

Mayor Pro Tem Post noted he will not be at the next Council meeting and stated the Rotary Club's Tennis Tournament was not cancelled due to pickle ball lines being on the tennis courts. He pointed out the tournament was cancelled because no one was available to host it. He added the tournament was played at Catawba College last year. He pointed out Mr. Reid Leonard can discuss information with Council at the next meeting.

Mayor Heggins thanked everyone who came forward and brought the issue to Councils' attention.

#### **LAND DEVELOPMENT DISTRICT MAP ADMENDMENT CD-02-2019 – 1.421 ACRES ALONG NORTH LONG STREET AND EAST 11<sup>th</sup> STREET**

Councilmember Alexander asked to recuse herself to join Development Services Coordinator Teresa Barringer due to being involved in the project proposal. Councilmember Miller made a **motion** to excuse Councilmember Alexander. Mayor Heggins, Mayor Pro Tem Post, Councilmembers Miller and Sheffield voted AYE. (4-0) Mayor Heggins noted Councilmember Alexander is excused from Council for this particular discussion.

Development Services Coordinator Teresa Barringer presented information regarding CD-02-2019 Grace Village proposal. She provided maps showing the three properties located at the corner of North Long Street and East 11<sup>th</sup> Street. She pointed out property owner Ms. Frances M. McCray is proposing a two phase campus-style retail/mixed-use development plan. She noted the proposal for this property would require rezoning from its current Heavy Industrial (HI) zoning to Corridor Mixed-Use (CMX) zoning with an established Conditional District (CD) overlay on all three parcels. She added the three parcels will be combined as an exception plat with no special conditions being requested. She commented there is an existing structure that houses an insurance office and once the three sites are combined, the proposal is to add nine additional modular units which Ms. McCray will renovate similar to the existing structure and architectural style.

Ms. Barringer noted the site plan is for the area to be developed as a campus-style development for a mix-use of retail, beauty salons, office space and various uses. Ms. Barringer pointed out Ms. McCray's intent is to provide an affordable opportunity for startup businesses.

Ms. Barringer noted the total tract of land is approximately 1.421 acres with no encroachment to the railroad right-of-way located on the property. She pointed out the site plan

will have exterior finishes and roofing will be new or refurbished to closely match the exterior finishes and roof of the existing building.

Ms. Barringer noted staff and Planning Board reviewed the plan and found it to be consistent with the Vision2020 Plan with cultural diversity acceptance.

Ms. Barringer commented downzoning to CMX could provide benefits to the neighborhood and offer opportunities for shopping or personal needs within walking distance.

Ms. Alexander pointed out trees along the wall will have to be removed in order to obtain driveway permits and adhere to the new North Carolina Department of Transportation (NCDOT) standard that requires 70 feet on each side of the driveway as a sight line. She added other landscaping will be placed throughout the site place to meet the landscaping code requirements.

Ms. Alexander noted Ms. McCray is sick and she introduced Ms. Sha'Myra Moore to speak on Ms. McCray's behalf.

Ms. Moore indicated she helped Ms. McCray with the legal aspect of the project but also shares Ms. McCray's vision for Grace Village. Ms. Moore pointed out Ms. McCray is a former educator and owner operator of a daycare in Salisbury for over 25 years. She added Ms. McCray's vision of Grace Village is to provide future business owners the opportunity to develop and grow their business in Salisbury by providing reasonable rent options. Ms. Moore pointed out Ms. McCray wants to develop a program called, A Second Time Around, to provide employment opportunities to individuals with a criminal background. She asked Council to support Ms. McCray in this endeavor.

Ms. Alexander noted Ms. McCray's late husband retired as a firefighter from the City of Salisbury years ago. Mayor Heggins pointed out he was also the first African American firefighter in the City.

Ms. Alexander commented it is a great opportunity, and she added Ms. McCray is able to repurpose modular units she is purchasing at reasonable costs from RSSS. She added these units will provide a place for young entrepreneurs to start a business and rent at a reasonable rent rate.

Ms. Alexander noted the construction will take place in phases. She pointed out the first two phases have taken place by obtaining temporary zoning permits to be allowed on site. She added the Planning Board voted unanimously to support Grace Village.

Councilmember Miller asked about garbage service and where the dumpsters will be located. Councilmember Alexander pointed out the trash service will include roll outs to be kept behind the units.

Councilmember Sheffield asked about the rezoning for the properties. Ms. Barringer noted the rezoning is from HI to CMX to allow general retail and mixed-use to be more compatible with residential neighborhoods.



Councilmember Sheffield asked if the trees to be removed will be replanted. Councilmember Alexander noted the trees have to be removed due to NCDOT standards, and she added additional landscaping will take place at each modular unit over time.

Mayor Heggins asked Ms. Alexander to clarify that regardless of the vote she will not receive any gain for the project. Ms. Alexander noted Ms. McCray is her client and is paying her for the services so she will get paid regardless of the vote. Mayor Heggins explained she wanted the public to understand there is no conflict of interest. Ms. Alexander added she is providing architectural and planning services to the client.

(b) Mayor Heggins convened a public hearing, after due notice thereof, to receive comments regarding CD-02-2019.

Ms. Dottie Hoy commented she thinks Grace Village is a creative idea to re-use the modular units and encourage small businesses in the community.

There being no one else to address Council, Mayor Heggins closed the public hearing.

Mayor Pro Tem Post stated the City Council hereby finds and determines that adoption of an Ordinance to rezone the three parcels to be combined as one parcel described herein from Heavy Industrial to Corridor Mixed-Use district; and establishing a Conditional District (CD) Overlay for the combined parcels is reasonable and in the public interest. The proposal is fundamentally consistent with the Vision 2020 Comprehensive Plan regarding the vision for Cultural Diversity/Acceptance: We see a community which embraces and appreciates the strengths and interests of a diverse population made greater by the common objectives of quality education, economic opportunity, public safety, and civic purpose; and, Policy C-2: the City shall encourage a flexible, yet compatible development environment that supports new business formation and growth in the City's older commercial areas. Thereupon, Mayor Pro Tem Post made a **motion** to adopt at an Ordinance amending the Land Development Ordinance and the Land Development District Map of the City of Salisbury, North Carolina, rezoning three parcels from Heavy Industrial to Corridor Mixed-Use and combine as one parcel; apply a Conditional District Overlay to approximately 1.421 Acres, in the 1100 block of North Long Street to permit the development of a two phase Campus-Style Retail/Mixed-Use development. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Miller and Sheffield voted AYE. (4-0)

ORDINANCE AMENDING THE LAND DEVELOPMENT ORDINANCE AND THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, REZONING THREE PARCELS FROM HEAVY INDUSTRIAL TO CORRIDOR MIXED-USE AND COMBINE AS ONE PARCEL; APPLY A CONDITIONAL DISTRICT OVERLAY TO APPROXIMATELY 1.421 ACRES, IN THE 1100 BLOCK OF NORTH LONG STREET TO PERMIT THE DEVELOPMENT OF A TWO PHASE CAMPUS-STYLE RETAIL/MIXED USE DEVELOPMENT.

(The above Ordinance is recorded in full in Ordinance Book No. 28 at Page No. 149-150, and is known as Ordinance 2019-25.)

Councilmember Miller made a **motion** for Councilmember Alexander to rejoin Council. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Miller and Sheffield voted AYE. (4-0)

### **CONTRACT AGREEMENT – BUCKEYE BRIDGE, LLC. AND BUDGET ORDINANCE**

Salisbury-Rowan Utilities (SRU) Director Jim Behmer pointed out the majority of waste water flows from the eastern areas of Salisbury through the Crane Creek Lift Station. He added a plan for upgrades has been in place for a while. He indicated the original budget included in the Capital Improvement Plan (CIP) was for \$1 million and included two repair phases. He noted the lift station has one force main and one pump station and includes two points of failure. He indicated the new design will develop a duplex pump station with two force mains. Mr. Behmer noted five bids were received and ranged from \$1.93 million to \$3.12 million and an engineering estimate of \$1.7 million. He commented it was decided to combine the project into one phase due to the increase in construction prices.

Councilmember Miller asked if the project will create a redundant system to the lift station. Mr. Behmer agreed, and he noted maintenance could take place on one force main while the other force main is in use.

Councilmember Sheffield asked if the lift station has ever failed. Mr. Behmer stated it had, and he pointed out a blowout valve failed on the force main about a year ago. Councilmember Sheffield asked if the lift station would have two force mains once the project is complete. Mr. Behmer agreed, and he noted it would be a redundant system.

Councilmember Alexander asked if the additional \$932,248 will be transferred out of the Water Sewer fund. Mr. Behmer agreed.

Councilmember Sheffield commented she made the request to move the item from the Consent Agenda to the regular Agenda due to the significant amount of money involved. She thanked Mr. Behmer for the information he provided to Council.

Councilmember Sheffield made a **motion** to authorize the City Manager to execute a contract with Buckeye Bridge, LLC in the amount of \$1,932,248 for construction of the Crane Creek Lift Station and Force Main Upgrades Project, and adopt a Budget Ordinance amending the FY2018-2019 Budget Ordinance to appropriate Water Sewer Fund Balance funds.

**ORDINANCE AMENDING THE 2018-2019 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE WATER SEWER FUND BALANCE FUNDS.**

(The above Ordinance is recorded in full in Ordinance Book No. 28 at Page No. 151, and is known as Ordinance 2019-26.)

## **POLICE CHIEF UPDATE**

Police Chief Jerry Stokes reviewed staffing for the Police Department. He indicated all 81 budgeted positions have been filled and the two over hire positions are currently being filled. Chief Stokes pointed out one recruit will enter field training and four will go to Basic Law Enforcement Training (BLET) in August.

Chief Stokes shared information regarding crime for the first quarter and statistics from January 1, 2019 to May 7, 2019. He indicated no homicides have taken place within the past nine months and the last homicide took place on August 3, 2018 which is a significant accomplishment.

Chief Stokes noted assault with dangerous weapons declined 68% and total violent crime year to date decreased 14%. He commented shots fired has increased and the Police Department is working to identify why there was an increase. He added residential burglaries declined 25% and auto theft declined 16%. He pointed out motor vehicle theft has increased, and he noted a significant amount of the vehicles were unlocked. He indicated property crime decreased 10% with the total crime decreasing by 11%. He pointed out he is pleased with the numbers, but he noted crime traditionally tends to increase during the summer months.

Chief Stokes stated the City last received accreditation in 2017 for 2014 through 2016. He shared reporting issues regarding data on reports was found during the 2017 Annual Assessment. He added the Police Department has worked on the reporting issues and revamped the process and no issues were found during the 2018 Annual Assessment. He noted the Police Department is on track for its 2020 reaccreditation.

Chief Stokes indicated the Police Department continues to have a Public Safety Partnership (PSP) with the Department of Justice (DOJ).

Chief Stokes commented the Police Department has a grant strategy consultant to view two grants which include a partnership with the Rowan-Salisbury School System (RSSS) regarding school security. He noted the other grant involves a crime intelligence sharing center to gather and share intelligence information in order to combat violent and gang crime countywide.

Chief Stokes pointed out through the PSP, the Police Department is working to develop an overall crime problem solving strategy by working with the County and federal and state law enforcement agencies.

Chief Stokes commented the City has been a diagnostic site the past 18 months, and he applied to extend its use as an operations site for three more years. He noted the Police Department is working well with the DOJ and hopes the program will be extended.

Chief Stokes pointed out the county wide violent incident review and gang assessment found 392 individual gang association identifications and 21 identified gangs. He reviewed information regarding homicide victim and homicide offender profiles.

Mayor Heggins asked if individuals are identified by the assessment before they are killed or during investigation. Chief Stokes stated information can be gathered by either of those instances, and he added some individuals may be familiar to the Police Department due to their past criminal history. He added the incident review was intended to understand who the victim and offenders are as it relates to what needs to be conducted with Project Safe Neighborhood (PSN).

Chief Stokes pointed out there has been interest in the City-wide security camera systems. He noted \$40,000 was carried over from FY2018 due to the camera system project being put on hold to concentrate on hiring. He added the Police Department has \$22,000 from a Justice Assistance Grant awarded several years ago.

Chief Stokes noted there are two cameras currently available to be placed once the IT systems, data storage, and software infrastructure is complete. He noted the Police Department is working in coordination with two apartment complexes to place cameras at their facilities. He added the cameras would be funded in partnership with the apartments and would allow the City access to the camera system.

Chief Stokes pointed out the Salisbury Camera Action Network (SCAN) Program is in the development stage. He explained the program provides services to businesses to allow the City to monitor their parking lots or public spaces. He indicated the two ways SCAN works is if the businesses choose to provide videos to the Police Department or video software to pull the video in remotely. He added it depends on the logistics and systems the Police Department and businesses have as capability of pulling video footage in remotely.

Chief Stokes noted the Police Department currently participates in the Law Enforcement Portal but has not had much residential participation. He explained if a resident has the Ring camera system and sees something suspicious the video footage can be placed in the Ring Law Enforcement Portal and the Police Department is notified once footage is placed in the portal. He pointed out video footage from the Ring camera system's has been helpful in solving residential burglary or larceny cases.

Mayor Heggins asked if local hotels have been notified regarding the SCAN program. Chief Stokes commented the SCAN program is in the beginning stages, and he added the Police Department is working with the Communications Department to develop a marketing campaign.

Chief Stokes referenced the slogan, "Every neighborhood has an officer, and every officer has a neighborhood." He added the Police Department is developing a web portal where an address is typed in the web page and the results will show which officer is working in the area and includes the officer's email address. He demonstrated how the portal works including night shift and day shift officer information.

Chief Stokes pointed out the City receives ballistics evaluations through the National Integrated Ballistic Information Network (NIBIN) which is used when shell casings or guns are collected from crime scenes, and the information can be submitted for verification. He noted NIBIN enables all law enforcement agencies to receive feedback faster.

Chief Stokes noted the City has an Alcohol, Tobacco, and Firearms (ATF) Task Force that was developed recently. He commented partnerships with the ATF and the Federal Bureau of Investigation (FBI) are outstanding. He noted the Police Department has an officer on the ATF Gang Task Force. He indicated he expects to see FBI related operations in the future.

Mayor Heggins added it is a positive move to work with the DOJ, and she added she is glad the Police Department had the foresight to do that.

Mayor Pro Tem Post asked if larceny with motor vehicle is due to people not locking their vehicles. Chief Stokes agreed, and he noted 80% of the cases are with vehicles being unlocked. Mayor Pro Tem Post asked about forced entry into the motor vehicles. Chief Stokes noted forced entry may occur if there is indication of high value items in the vehicle.

Councilmember Sheffield asked about the 11 recruit members on the Police Department. Chief Stokes pointed out the Field Training Officer (FTO) recruits are fully sworn officers. He noted the Basic Law Enforcement Training (BLET) recruits will attend BLET training and enter into an apprenticeship for three or more months. He added during apprenticeship recruits ride with another officer during three phases to ensure they are ready for solo patrol. He added six recruits are almost ready for solo patrol. He noted the BLET recruits are attending the community college BLET program, and he added FTO recruits are in the transition between BLET and solo patrol during apprenticeships.

Councilmember Sheffield asked why shots fired were up and how shots fired are measured. Chief Stokes commented shots fired are measured by 911 calls. Chief Stokes added if it is found shots were not fired, the call would be reclassified as to what the offense was determined to be. He added sometimes Police officers may find shell casings which helps when it is added into the NIBIN. He added it relates to fear in the neighborhoods and indicates false reporting with no related incident being found.

Councilmember Sheffield asked if a law is enforced regarding cameras being mounted in neighborhoods. Chief Stokes noted there is no law in North Carolina related to that. He added he is speaking with City Attorney Corriher regarding how it should be regulated. He pointed out the camera will not be monitored 24/7. He added it is a component to assist in investigation if something happens. He noted signs will indicate the areas that will be monitored.

Councilmember Sheffield pointed out she wanted to make sure the City was not in violation. Chief Stokes noted an advisory group will look at the SCAN program and ensure there are no privacy issues. He noted the program will be restrictive as to who in the Police Department can view the footage or use it on a case. He noted the video captured on Police officers' body cameras is not public record due to the body camera law. He added the Police Department will make sure program details are within the Fourth Amendment and not infringing on citizen's rights.

Councilmember Sheffield noted she liked the idea of working to partner with the school system. She added the neighborhood web portal website is a great tool.

Councilmember Alexander commented she is excited about the SCAN Program, and she noted she knew of a case being solved near her building with the help of a neighbor's camera. She noted SCAN is a great opportunity for businesses and hotels due to the City's problem with theft.

Mayor Heggins thanked Chief Stokes and the Police Department for their great work in the City.

### **COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME PROGRAM FUNDS**

Planner Kyle Harris provided an update regarding the draft action plan and budget for the Community Development Program administered with the City and the Community Development Corporation (CDC). He noted the action plan draft will be available tomorrow for the 30 day required public review period. He pointed out the City receives federal funds annually from the United States Department of Housing and Urban Development (HUD) to improve neighborhoods and expand housing opportunities. He noted this year the City will receive \$454,219 through the Community Development Block Grant (CDBG) and HOME Investment Partnerships Program. He indicated the HOME Investment Program decreased from \$152,000 last year to \$134,000 this year. He noted the funds will be used to meet the goals and objectives established and approved by Council for the 2015-2019 consolidated plan. He pointed out the five year community development plan will be updated this summer and will represent a significant opportunity for the public to discuss the future of housing and neighborhood programs.

Mr. Harris pointed out the consolidated plan describes community needs and determines local priorities for using public resources to assist low-and moderate income (LMI) residents of Salisbury over a five year period.

Mr. Harris noted the City, the Planning Department, CDC, Fair Housing Committee, Housing Advocacy Commission (HAC) and Human Relations Council (HRC) will work collaboratively to implement the recommendations in the Analysis of Impediments to Fair Housing Action Plan.

Mr. Harris indicated the City will receive CDBG funds of \$290,017, HOME and project funds of \$134,202, and \$30,000 through the CDBG Program.

Mr. Harris noted the FY19-FY20 CDBG budget includes \$118,535 for owner-occupied rehabilitation for low income residents, \$50,000 for West Monroe Street for the West End Sidewalk Project, \$47,980 for Public Services divided between Rowan Helping Ministries, Family Crisis Council, Community Care Clinic, Salisbury Youth Employment and Gateway Freedom Center, \$47,980 for program administration, and \$39,498 is to pay the debt service for Park Avenue Center. He added the debt service will be paid off in 2022. Mayor Pro Tem Post asked if the payment is the same each year. Mr. Harris agreed, and he noted the last year the debt service is paid the payment reduces to nearly \$14,000.

Mr. Harris indicated the HOME budget includes \$126,606 for owner occupied rehabilitation and approximately \$8,000 for administration.

Mr. Harris pointed out the Citizen Participation Plan includes working with the Communications Department to ensure meaningful community engagement is conducted. He added two public meetings will take place on May 14, 2019 and May 30, 2019. He added a public hearing took place on February 19, 2019 regarding the use of the CDBG and HOME Funds. He pointed out the 30 day public review period will begin tomorrow and information is posted online, a Facebook event was created, and hard copies are provided at City Hall, the City office Building, West End Community Center and Rowan Public Library. He added flyers are placed throughout the City.

Mr. Harris presented the draft of the CDBG and HOME action plan. He added staff made the public notice available to make sure the public is aware that each year they have an opportunity to comment on the plan.

Mr. Harris reviewed a map regarding West End sidewalks, and he pointed out where the sidewalks will be constructed to complete circulation and connections on West Monroe Street.

Councilmember Sheffield noted the HOME funds received this year were less than last year, and she asked how much was received last year in total. Mr. Harris noted approximately \$474,000 was received last year. Councilmember Alexander noted funds are decreasing each year.

Mayor Heggins thanked Mr. Harris for the presentation and she requested flyers and the draft action plan be provided to Fair Housing Committee members.

### **UPDATE – CHEERWINE FESTIVAL**

Events Coordinator Vivian Koontz provided Council an update regarding the third annual Cheerwine Festival that will take place Saturday, May 18, 2019 from 12:00 noon until 10:00 p.m. She noted the time was changed due to feedback from the community after last year's event. She pointed out it is a family friendly event hosted by the City and Cheerwine, and she anticipates more than 30,000 visitors to the City. She added the event will include food, crafts, and kid's activities. Ms. Koontz reviewed the festival's schedule of events and the parking plan.

Ms. Koontz noted free shuttle parking will be provided from West End Plaza and Rowan Cabarrus Community College (RCCC). She pointed out the road closures, safety and sanitation plans during the event. She commented the festival layout includes 113 vendors compared to 61 vendors last year.

Communications Director Linda McElroy noted the Communications Department worked closely with Cheerwine and the Parks and Recreation Department regarding preparation for the Cheerwine Festival. She pointed out Web and Marketing Services Coordinator Fern Blair developed the Frequently Asked Questions (FAQ), or tip sheet, for festival goers to have before they come to Salisbury so visitors know how to navigate the event.

Ms. Koontz stated this year Cheerwine will donate proceeds from its drink sales at the official Cheerwine merchandise tent to benefit Meals on Wheels. She indicated the proceeds last year went to Rowan Helping Ministries.

Ms. McElroy pointed out the marketing efforts include a comprehensive marketing plan to provide information to the public. She added Cheerwine developed a Facebook event page which has reached 731,000 people currently. She added earned media impressions reached over 9 million people to include 25 published placements including an article on Smithsonian.com.

Ms. McElroy added the City has radio partnership with Beasley Media Group to do remotes in Salisbury. She pointed out Ms. Blair created a dedicated Cheerwine Festival Website with an average of 1,500 visitors per day with a current total of 43,868 page views. Councilmember Miller asked how it compares to last year. Ms. McElroy noted there has been an increase.

Councilmember Miller asked if there is a way to predict how many people will be at the festival relative to the numbers being seen. Ms. McElroy noted on the Facebook event page a person has an opportunity to say if they are going, are interest or not attending. She noted 4,000 viewers have indicated they are coming on the Facebook page. She added just the reach they have received and the posts from vendors and music groups, the number to be reached of visitors may be a little over 30,000. Mayor Pro Tem Post asked if that was the estimate this year. Ms. McElroy noted it is, but she thinks this year they have a better handle on those numbers and do expect for that number to grow.

Ms. Koontz noted within the first few weeks the Facebook event page was active, it had exceeded the reach they had by the end of the festival last year. Ms. McElroy noted the number of people reached last year was 424,000 people. Ms. Koontz thanked all community and the surrounding area sponsors who are assisting with the day to make this possible.

Mayor Heggins noted this Cheerwine Event is outstanding and fantastic. She noted flight magazines would be a great place for a feature story on the Cheerwine Festival. Ms. McElroy agreed, and she commented Communications would love to pitch those publications as well and she will add it to the list. Mayor Heggins added it would be a great feature for the City, and she stated staff has done a fabulous job and she thanked staff for the work it has done for the Cheerwine Festival.

Councilmember Miller commented the volunteer spreadsheet last year was nicely done. Ms. Koontz noted she is working on this year's spreadsheet and once completed she will get it to Council.



## **BOARDS AND COMMISSIONS**

### **Extraterritorial Jurisdiction (ETJ)**

Upon a motion by Councilmember Miller Mr. Timothy Norris was recommended to be appointed by Rowan County as an Extraterritorial jurisdiction (ETJ) member on the Planning Board. Councilmember Alexander seconded. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voting AYE, the following recommendation to Rowan County for the ETJ seat on the Planning Board was

Mr. Timothy Norris

### **Fair Housing Committee**

Upon a motion by Mayor Pro Tem Post. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller and Sheffield voting AYE, the following appointments were made to the Fair Housing Committee:

Ms. Brenda Brown  
Mr. David Treme

Councilmember Sheffield asked if all vacancies for the Boards and Commission have been filled. City Clerk Diane Gilmore agreed.

Mayor Pro Tem Post asked if the Fair Housing Committee is under the umbrella of Human Relations Council (HRC) and the Housing Advocacy Commission (HAC). Mayor Heggins noted it is under both the HRC and the HAC. Mayor Pro Tem Post asked if the FHC will be permanent or if it will be folded into one and is there a vision. Mayor Heggins noted the Fair Housing Committee is being staffed by two staff members, one from HRC and one from the HAC as a joint effort now and the goal is to remain that way. Councilmember Sheffield noted board members from both commissions have to be a part of the committee.

Mayor Pro Tem Post asked if having boards and commissions would create conflicts. Mayor Heggins noted she does not think so, and she added Council has provided the Fair Housing Commission specifics and will have input from both HRC and HAC. Councilmember Miller asked to review if the Fairing Housing Commission is a short-term or a long-term commission. City Attorney Graham Corriher noted he will look at the resolution and the minutes to find out the resolution of how the FHC was formed.

## **CITY ATTORNEY'S REPORT**

City Attorney Graham Corriher indicated he had nothing to report to Council.

## **CITY MANAGER'S REPORT**

City Manager Lane Bailey introduced the City's new Planning Director Hannah Jacobson. He noted Ms. Jacobson served as the Senior Planner in Durham and has a great deal of experience in housing issues.

Ms. Jacobson commented she is honored to be selected as the Planning Director, and she added she looks forward to working for the City and working with Council. Mayor Heggins thanked Ms. Jacobson for choosing Salisbury. Council welcomed Ms. Jacobson to the City.

Mr. Bailey pointed out Finance Director Shannon Moore will present Council the third quarter financial report to Council.

### **(a) Third Quarter Financial Update**

Finance Director Shannon Moore provided information regarding the General Fund. She pointed out the City is currently at 70% of the FY2019 budget. She noted the current budget is \$42.9 million and \$33.5 million has been received through reoccurring revenue. Mayor Pro Tem Post asked why the City is ahead. Ms. Moore commented it is due to sales tax. Ms. Moore noted General Fund expenses are approximately 66% of the City budget.

Ms. Moore pointed out the property taxes currently include \$18.5 million in annual receipts towards the budget of \$18.7 million, and she added the City is trending better than in the last three years.

Ms. Moore pointed out the largest portion of General Fund revenue comes from property taxes and sales tax receipts. She added the County billed \$19.1 million in property taxes and the City had budgeted \$18.7 million. She commented there will be a higher budgeted amount for sales tax than currently in FY2018 and FY2019 as there continues to be growth in sales tax receipts.

Ms. Moore indicated the General Fund expenses are currently at approximately 66% of the budget, and she noted the expense growth in public safety was due to additional positions for the Police and Fire Departments. She added City Manager Lane Bailey had mentioned there will be an increase in those areas for the next budget cycle which will present a challenge for the budget. She noted overall the City is trending well in the entire General Fund.

Mayor Pro Tem Post asked if any further interest or principle payments will be made this year since interest is at 100%. Ms. Moore noted some of the numbers are from budget transfers that have been completed. She noted when the budget was created the debt was issued for Fire Station 6 and there were no exact figures until bids were received and the debt was finalized.

Mayor Pro Tem Post asked if the information provided included three quarters of a year. Ms. Moore agreed, and she noted it would not be exactly one third due to payments occurring both semiannually and annually. Mayor Pro Tem Post asked if the information is on a cash basis instead of an accrual basis. Ms. Moore agreed.

Ms. Moore indicated the Stormwater Fund revenues are at 76% of the budget. She added Stormwater expenses are 50% of the budget which are slightly less than they normally are. She noted last year the water and sewer rate was increased to fund capital improvement and repair projects. She noted these funds are encumbered and projects have not been completed and will not show up in the actuals until invoices are paid.

Mayor Pro Tem Post asked if the audit is based on accrual. Ms. Moore noted it is based on modified accrual.

Ms. Moore pointed out the Water Sewer Fund is at 80% of revenues which is a slight increase from the past three years. She noted the large projects budgeted in the Water Sewer Fund have not been paid. She added the numbers will be closer to 100% towards the end of the fiscal year and whatever is not complete at the time will be carried forward to next year.

Ms. Moore pointed out Transit Fund revenues are 50% in the first three quarters due to a previously completed grant. She noted the Transit Department was notified its new grant funds are available for withdrawal. She added additional revenue will be submitted to the Transit Fund for reimbursement of expenses.

Councilmember Miller asked if the government shutdown affected the City receiving revenues. Ms. Moore noted it affected the timing in which the City could draw available funds.

Ms. Moore commented Transit expenses are at 55% on a cash basis, and she added encumbered funds for Americans with Disabilities (ADA) accessible vehicles, and smaller vans will be spent before the end of the fiscal year.

Ms. Moore pointed out the Fibrant Fund has changed quite a bit over the past year. She commented the City adopted a budget based on a full year of operations, and she added the change occurred when the City entered the lease agreement with Hotwire Communications. She commented the Fibrant Fund is at 54% of revenues and 50% of expenses. She indicated FY2019 actuals are less than FY2018 due to the anticipation of the private partnership with Hotwire Communications.

Ms. Moore commented the City received lease revenues from Hotwire Communications, and she added the lease began December 31, 2018. She added gross lease revenue from the private partnership was \$235,000. She added the large debt service payment is in relation to the debt in the Fibrant Fund and is the reason the information shows a large loss.

Mayor Pro Tem Post pointed out \$235,000 from Fibrant is included in one quarter. Ms. Moore agreed, and she added the months for the quarter were September through December 31, 2018. Mayor Pro Tem Post indicated those months included the transfer of billing and separation of water and Fibrant accounts and no additional accounts were created. Mayor Pro Tem Post commented the first quarter this year Hotwire Communications spent a great amount of time helping Fibrant customers with new equipment instead of marketing to new customers. He pointed out citizens need to be encouraged to use Hotwire as the growth could be beneficial to the City.

Ms. Moore noted \$235,000 of gross receipts was received from Hotwire Communications and the net payment received was \$161,000 due to credits Hotwire was allowed for service they provided of drops, dark fiber, and capital.

Ms. Moore compared subscriber information for Hotwire Communications to when the City stopped billing in September 2018 and current subscriber numbers. She noted Hotwire provided current billing information for the services and added dark fiber clients and other residual service it provided. Mayor Heggins asked for an example of other residual services. Ms. Moore noted she is unsure what Hotwire is considering residual services but could possibly be services provided through the head end.

Mayor Pro Tem Post asked if the provided information is the most current from Hotwire Communications. Mr. Bailey noted the most recent information has not been received yet.

Councilmember Sheffield asked why nothing is shown in the second quarter regarding debt service for Fibrant and why the number is so high in the third quarter. Ms. Moore noted the amount is an annual principal payment that is made in early March. Councilmember Miller asked if it is an annual interest payment as indicated in the first quarter. Ms. Moore clarified there is a semi-annual interest payment and an annual principal payment.

## **ANNOUNCEMENTS**

Communications Director Linda McElroy announced on Saturday, May 11, 2019 the Community Appearance Commission and Housing Advocacy Commission will host, 'Spring Clean '19', a litter clean-up day along the main corridors of Salisbury. Take an hour or more to drop by and help us clean up the streets. The check in will take place at City Hall, 217 South Main Street, anytime between 7:00 a.m. until 7:00 p.m. to pick up equipment, coffee and water, and to sign up for a block. The #Trashtag Challenge has come to Salisbury. In the chance of all day rain, 'Spring '19' will be cancelled, however, supplies will still be available Monday through Friday for pick up during normal business hours. Please call Stephen Brown at (704) 638-4481 or email [sbrow@salisburync.gov](mailto:sbrow@salisburync.gov) to arrange for pick up.

Communications Director Linda McElroy announced the Salisbury Parks and Recreation will hold its annual Middle School Prom Saturday, May 11, 2019 from 6:00 p.m. until 9:00 p.m. at the Salisbury Civic Center. All middle school students in Rowan County are welcome. Participants will enjoy an evening of dancing, photos, and a good time with friends. Refreshments will be served and photo packages will be available for purchase. Tickets are limited and must be purchased in advance. For more information, please call (704) 216-PLAY.

Communications Director Linda McElroy announced A Peace Officers' Memorial Service will be held Wednesday, May 15, 2019 at noon at First Presbyterian Church, 308 West Fisher Street, Salisbury. The annual memorial service is an opportunity to remember officers who have died in the line of duty and is part of local National Police Week observances.

Communications Director Linda McElroy announced a dedication ceremony will be held Thursday, May 16, 2019 at 2:00 p.m. on the grounds of the County Courthouse, 210 North Main Street, Salisbury unveiling a memorial honoring all police officers who died in the line of duty serving in Rowan County. The memorial will serve as a reminder and to honor all the officers who have made the ultimate sacrifice in service to the community and is part of the local National Police Week observances. The public is invited to attend the dedication.

Communications Director Linda McElroy announced the City of Salisbury and Cheerwine are teaming up to host the 2019 Cheerwine Festival. The free event will take place Saturday, May 18, 2019 in downtown Salisbury from noon until 10:00 p.m. Cheerwine fans will enjoy cold Cheerwine, live music, great Southern food, shopping for Cheerwine merchandise, family-friendly activities, a beer garden and local craft vendors. For more information, please call 704-216-PLAY.

### **COUNCIL COMMENTS**

Councilmembers indicated they had nothing else to report.

### **MAYOR PRO TEM COMMENTS**

Mayor Pro Tem Post commented he will be out of town and unable to attend the next Council meeting. He added he would be grateful if the item regarding Pickle ball could be postponed until he returns.

Mayor Pro Tem Post suggested copies of the Small Business Proclamation be provided to all seven of the small business owners present at the meeting. Mayor Heggins noted she will provide copies to all the Small Business owners if she could be provided a list.

Mayor Pro Tem Post pointed out tennis is not a growing sport. He noted the Rotary Tennis Tournament is not being held this year because Rotary cannot find anyone to host the event. He pointed out there were 168 people at the YMCA pickle ball tournament last spring and the pickle ball tournament planned for the fall may not happen now. He indicated the pickle ball tournament could bring a couple hundred people. He pointed out the Tourism Development Agency (TDA) provided funds for that and if the tournament is not held, the money is not provided. He noted last Sunday 28 people were playing pickle ball with people standing in line due to not enough courts, and he commented there was nobody on the tennis courts.

Mayor Pro Tem Post commented North Rowan High and Sacred Heart Catholic Schools are not City schools, and if the City maintains the tennis courts then Council needs to decide how to handle the use of the courts as stewards of tax payer's money. He indicated there are other tennis court locations. He noted he hopes Council will listen to everyone involved in the pickle ball discussion at the next meeting, and he added several pickle ball players may attend Council meetings until the issue is resolved.

## **MAYOR'S COMMENTS**

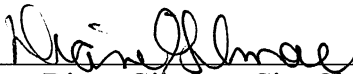
Mayor Heggins thanked staff, Council, City Manager, City Attorney, and Liz Moomey with the *Salisbury Post*.

## **ADJOURNMENT**

Motion to adjourn the meeting was made by Mayor Pro Tem Post. All Council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 9:12 p.m.



Al Heggins, Mayor



Diane Gilmore, City Clerk